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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/057,618

10/25/2001

William H. Peters

PETRE-001A

2310

7590

04/03/2007

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EXAMINER

WILLIAMS, JAMILA O

ART UNIT

PAPER NUMBER

3722

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/057,618

Applicant(s)

PETERS, WILLIAM H.

Examiner

Jamila Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-13, 32, 34, 35, 38, 46 and 48-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-13, 32, 34, 35, 38, 46 and 48-55 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Prosecution Reopened

Prosecution on the merits of this application is reopened on claims 5-13,32,34-35,38,46,48-55 considered unpatentable for the reasons indicated below:

The claims are rejected below as being unpatentable over 5,787,383 to Moroto.

Applicant is advised that the Notice of Allowance mailed 5-5-2005 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5-13,32,34,35,46,49,50-53,55 are rejected under 35 U.S.C. 102(b) as being anticipated by 5,787,383 to Moroto et al (hereinafter Moroto).

Moroto discloses a toy travel clock comprising an input device configured to accept a mode of transportation and an estimated time of travel between a starting location and destination and an output device configured to graphically display, the

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starting location, the destination, a hypothetical route connecting the starting location to the destination and a graphical representation of the mode of transportation as an indication of an estimated distance traveled along the hypothetical route (figure 8, column 5 lines 30-39, 40-55 and column 9 lines 49-67 and column 10 lines 1-5), as recited in claim 32.

Moroto discloses a toy travel clock comprising an input device configured to accept an estimated time of travel between a starting location and destination, a distance travel calculator configured to accept an estimated time of travel between a starting location and destination, an output device configured to display an indication of the estimated travel distance wherein the clock is a stand alone device and a storage module being operative to store at least one known destination having an associated known total distance and wherein the input device is configured to accept a respective known destination (column 5 lines 16-39, lines 65-67 and column 6 lines 1-31), as recited in claim 34.

Moroto discloses the known destination is associated with a stored known estimated time of travel between the known starting location and destination (column 6 lines 38-45), as recited in claim 35.

Regarding claim 38, Moroto discloses the input and output devices as claimed (see rejections of claims 34-35 above). Moroto also discloses an audio output device being operative to output programmed stories at designated times based on the estimated time of travel between the starting location and destination (column 5 lines

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39-55, the speaker 17 of the voice output means gives voice guidance along the route, which can be considered a programmed story).

Moroto discloses a toy travel clock comprising an input device configured to accept an estimated time of travel between a start and destination and an output device configured to display an indication of an estimated distance traveled, which is determined by calculating a time traveled by determining a difference between a start and current time, dividing the time traveled by the estimated time of travel between the starting location and destination to determine a fraction of time traveled that is equal to the estimated distance traveled, the toy travel clock coupled to a navigation system display as recited in claim 46 (column 5 lines 16-39, lines 65-67 and column 6 lines 1-31; column 12 lines 7-41).

Regarding claim 48, Moroto discloses the input and output devices as claimed (see rejections of claim 46 above). Moroto also discloses an audio output device being operative to output programmed stories at designated times based on the estimated time of travel between the starting location and destination (column 5 lines 39-55, the speaker 17 of the voice output means gives voice guidance along the route, which can be considered a programmed story).

Moroto discloses a toy travel clock comprising an input device configured to accept an estimated time of travel between a starting location and destination, an output device configured to display an indication of an estimated distance traveled and a storage module that stores at least one known destination having an associated known total distance wherein the input device is configured to accept a respective known

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destination (column 5 lines 16-39, lines 65-67 and column 6 lines 1-31; column 12 lines 7-41), as recited in claim 49.

Regarding claim 50 Moroto discloses a clock display indicating a current time (see figure 8 set date/time option).

Regarding claims 51-52 Moroto discloses the toy travel clock is a stand alone device and wherein the toy is coupled to a navigation system display (column 5 lines 16-28).

Regarding claims 53-54 Moroto discloses further comprising an audio output device. This audio output device outputs programmed stories at designated times based on the estimated time of travel between the starting location and destination (column 5 lines 39-55, the speaker 17 of the voice output means gives voice guidance along the route, which can be considered a programmed story)

Regarding claim 55, Moroto discloses known destination is associated with a stored known estimated time of travel between the known starting location and destination (column 5 lines 16-39).

Regarding claims 5-6, see rejections of claims 34-35 above.

Regarding claim 7, Moroto discloses a clock display indicating the current time (see figure 8 set date/time option).

Regarding claims 8 and 10, Moroto discloses the toy travel clock is a stand alone device and the toy travel clock is coupled to a navigation system display (column 5 lines 16-29).

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Regarding claims 9 and 11, Moroto provides a display means which would encompass a gaming display and video display.

Regarding claims 12 and 13, see rejections of claims 53-54 above.

Response to Arguments

Applicant's arguments filed 4/21/2005 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This is simply art of interest and was not used to reject any claims in this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamila Williams whose telephone number is 571-272-4431. The examiner can normally be reached on Monday-Thursday 6:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JW 3-25-2007


MONICA CARTER
SUPERVISORY PATENT EXAMINER